GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - East Godavari District - Revision Petition filed by Sri Pasumarthi Ramakrishna S/o.Late Ramarao @ Rampandu, R/o.Gokavaram Village & Mandal, East Godavari District against the orders of the Additional Agent to Government, Rampachodavaram dt.17.09.2005 in CMA No.45/2004 in respect of scheduled land in Sy.No.12, Ac.5.03 cts, Ac.0.43 in Sy.No.14/1 and Ac.1.69 in Sy.No.14/2 of Pothamdorapalem village, Gangavaram (M), East Godavari District – Remanded to the Special Deputy Collector for fresh disposal - Orders – Issued.

SOCIAL WELFARE (TW.LTR-2) DEPARTMENT

G.O.MS.No. 90 Dated: 26-11-2015

Read the following:-

1. Revision Petition filed by Sri Pasumarthi Ramakrishna S/o.Late Ramarao @ Rampandu, R/o.Gokavaram Village & Mandal, East Godavari District dated:24.10.2005.
2. Govt.Memo.No.8807/LTR-2/2005-1, dt.12.12.2005.
3. From the Additional Agent to Government, Rampachodavaram, East Godavari District No.T8/774/2007, dt.25.9.2007.
4. Govt.Lr.No.8807/LTR-2/2005, dt.23.02.2015.

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ORDER:-

In the reference first read above, Sri Pasumarthi Ramakrishna S/o.Late Ramarao @ Rampandu, R/o.Gokavaram Village & Mandal, East Godavari District has filed a Revision Petition before the Government against the orders of the Additional Agent to Government Rampachodavaram dt.17.09.2005 in CMA No.45/2004 in respect of scheduled land in Sy.No.12, Ac.5.03 cts, Ac.0.43 in Sy.No.14/1 and Ac.1.69 in Sy.No.14/2 of Pothamdorapalem village, Gangavaram (M), East Godavari District.

2. The Government, in the reference 2nd read above, have admitted the said Revision Petition and requested the Additional Agent to Government , East Godavari District to furnish the parawise remarks and connected records on the Revision Petition.

3. In the reference 3rd read above, the Additional Agent to Government, Rampachodavaram, East Godavari District has furnished parawise remarks along with the connected records.

4. The facts of the case in brief are:

The above Revision Petition is filed against the order in CMA No.45/2004, dt.17.09.2005 wherein the Additional Agent to Government, Rampachodavaram upheld the order passed by the Special Deputy Collector (TW), Rampachodavaram in LTRP No.285/2002, dt.25.04.2003 wherein ejectment of order passed against the father of the revision petitioner to an extent of 3.50 cents in Sy.No.12 situated at Pothamdorapalem village, Gangavaram Mandal, East Godavari District.

5. In the Revision Petition it has been mentioned that the Great Grand Father of the Revision Petitioner by name Pasuparthi Manga Raju has purchased the subject matter land in the year 1915 under Registered Sale Deed from one Abbai Chinnappa Dora for valuable consideration. From the date of purchase the family members of the Revision Petitioner are in continuous possession and enjoyment of the above landed property. As on this day the Revision Petitioner is in possession and personally cultivating the said lands.

6. The point for consideration is whether the orders of Special Deputy Collector, Tribal Welfare, Rampachodavaram passed in LTR 285/2002, dt.25.04.2003 as confirmed by Additional Agent to the Government of Rampachodavaram in CMA No.45/2004 dt.17.09.2005

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with regard to the land measuring an extent of Acs.3.50 cts in Sy.No.12 of Pothamdhorapalem, Gangavaram Mandal is liable to be revised or not.

7. Basically the Revision Petitioner who filed pattadar passbook in the name of Pasumarthi Rama Rao also filed title deed infavour of said Rama Rao with regard to the land measuring an extent of Acs.3.50 csts in Sy.No.12 of Pothamdorapalem. The Revision Petitioner also filed a copy of the order of the Hon'ble High Court in W.P.23483/2005, dt.02.11.2005, apart from the same he also filed Xerox copy of sale deed dt.11.05.1929. In the said sale deed there is reference to another transaction dt.03.04.1915 between the parties with regard to **"Kandagutta Kavulu"** of sale deed scheduled lands.

8. The said document is not filed before the authorities below. It is also submitted by the Revision Petitioner that the lower authorities failed to consider their pleas with regard to the possession and title. In this case the Hon'ble High Court of A.P. was pleased to suspend the impugned orders of the both Special Deputy Collector and Additional Agent to Government, during pendency of the Revision Petition in W.P.No.23483/2005, dt.02.11.2005. Non consideration of those documents amount to violating of principals of natural justice.

9. Therefore the Government is of considered view that the Revision Petitioner's father by name Pasumarthi Rama Rao was granted patta pass book and title deed, though the same cannot the documents of title as per the orders delivered by the Division Bench of Hon'ble High Court of A.P. and as per AP Record of Rights in Land and Pattadar Pass book Act-1971. Further the orders of the Special Deputy Collector, Tribal Welfare, Rampachodavaram and Additional Agent of the Government are not sustainable, as the registered sale deed in 1929 is not examined/considered. Further the learned Special Deputy Collector should have held the detailed enquiry as to which facts led the Revenue Authorities to grant the pattadar pass book and title deed to the father of the Revision Petitioner. Further there is no reference about the said orders. Therefore the Government having heard the petitioner and having gone through the entire record is of opinion that the documents mainly the sale deed filed by the Revision Petitioner dated:11.05.1929 is to be considered and the reference to **"Kandagutta Kavulu"** there in dated:03.04.2015 is also to be examined.

10. The Special Deputy Collector should have examine the revenue records from 1929 till date i.e., from the date registration sale deed till this date, in order to decide the possession and title and also the relevance of the said sale deed, dt.11.05.1929 executed in favour of Pasuparthi Manga Raju S/o. Venkata Ratnam, so far as the petitioner is concerned.

11. Further it is found that there is variation between the extent show in the petition schedule when compared with that of the sale deed and also the pattadars pass book and title deed. In the petition schedule there is a land measuring an extent of Acs.7.15 cts in three items which are (1)5 Acs 3 cents in Sy.N0.12 (2) 43 cents in Sy.No.14/1 (3) 1 Ac 69 cents in Sy.No.14/2 making a total of 7 Acs 15 cents and the extent being claimed by Revision Petitioner is only 3 Acres 50 cents in Sy.No.13 and the same is found in the patta pass book and title deed. Any way the Revision Authority finds that the elaborate enquiry shall be held into the above aspects mainly with reference to the above referred registered sale deed and scheduled therein.

12. When the Petitioner's Ancestor purchased the scheduled land under registered sale deed and when his successors are in possession, the Authorities have to examine whether the petitioners have been in continuous possession and enjoyment till this day and in the absence of the evidence to the contrary there is a presumption has to continuity of possession when the possession in the year 1929 and also as on day is established. Any way the long possession and acquisition of title under registered sale deed and issuance of pattadar passbook and title deed are to be critically examined mainly under the Agency Tracts Interest and Land Transfer Act 1917 and rules framed there under, hence the impugned orders which are devoid of adjudication on the said issue are not sustainable. The Hon'ble High Court of A.P. while directing the Revision Authority also suspended the operation of impugned orders during pendency of the revision petition.

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13. In the result, Government after careful examination hereby set aside the impugned orders. The revision petition is allowed in part, consequently the matter is remanded to the Special Deputy Collector, Tribal Welfare, Rampachodavaram for fresh disposal by giving opportunity to the Revision Petitioner. The said case shall be disposed of within two months from date of receipt of this order.

14. Further the Revision Petitioner also is directed to file the certified copy of the sale deed together with a detailed manuscript of the contents of the said sale deed and relevant record before the learned Special Deputy Collector without any delay and the Special Deputy Collector (Tribal welfare) is directed to examine the revenue records, registration extracts relating to Petitioner schedule property and pass orders according to law after giving opportunity to the Petitioner.

15. The Additional Agent to Government, Rampachodavaram, East Godavari District is requested to take necessary action in the matter accordingly.

16. The original record bearing No.CMA No.45/2004 - pages 69, LTRP No:285/2002- 36 pages received from the Additional Agent to Government, Rampachodavaram, East Godavari District, through reference 3rd read above, is returned herewith and he is requested to acknowledge the receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A. VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To:
The Collector & Agent to Government, Kakinada, East Godavari District.
The Additional Agent to Government & Project Officer, ITDA
Rampachodavaram, East Godavari District.(w.e.)
The Special Deputy Collector, (Tribal Welfare) Rampachodavaram, East Godavari District.
Copy to:
Sri K.Venkatesh, Advocate, H.No.1-1-64/1, Near Sapatagiri Theatre, R.T.C. “X “Roads, Hyderabad -20.
Sri Pasumarthi Ramakrishna, S/o.Late Ramarao @ Rampandu, R/o.Gokavaram (V&M) East Godavari District.
The P.S to Hon’ble Minister (SWE & TWE) for information
The P.S to Principal Secretary to Government (TW)
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER